

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAMON ALAN JONES,

Plaintiff,

v.

Case No. 06-CV-10575

CLINTON TOWNSHIP POLICE
OFFICERS L. EMERSON, et al,

Defendants.

**ORDER DENYING DEFENDANTS' "MOTION TO COMPEL
FIRST INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS TO PLAINTIFF"**

Pending before the court is Defendants' "Motion to Compel First Interrogatories and Request for Production of Documents to Plaintiff" filed on June 28, 2006. The parties have briefed the issue and the court concludes that a hearing is unnecessary. See E.D. Mich. LR 7.1(e)(2). The court will deny the motion.

On April 25, 2006, Defendants served Plaintiff with their "First Set of Interrogatories and Request for Production of Documents." Under the federal rules, Plaintiff had to file a written response within 30 days. Fed. R. Civ. Pro. 33, 37. Having received no response, Defendants contacted Plaintiff by letter on June 7, 2006. Three weeks later, Defendants filed the instant motion to compel. Several weeks past the deadline, Plaintiff finally responded to Defendants' discovery requests. Defendants' motion is therefore moot. Accordingly,

IT IS ORDERED that Defendants' "Motion to Compel First Interrogatories and Request for Production of Documents to Plaintiff" [Dkt. # 7] is DENIED WITHOUT PREJUDICE.¹

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 26, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 26, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

¹ It appears that Defendants' motion was necessary to spur Plaintiff's late cooperation with discovery requests. The court, however, will not impose sanctions and/or expenses under Federal Rule of Civil Procedure 37(a)(4)(A) at this time given the relatively early state of discovery. Counsel, especially Plaintiff's counsel, are cautioned to avoid such delays in the future. The court will readily consider imposing costs in the event that this situation is presented again.